

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION

UNITED STATES OF AMERICA

Plaintiff,

vs.

Case No. 14-CR-3024 MWB

QUALITY EGG, LLC, (d/b/a Wright County Egg
and Environ), AUSTIN DECOSTER (a/k/a Jack
DeCoster), and PETER DECOSTER

Defendants.

**DEFENDANT AUSTIN (“JACK”) DECOSTER’S MOTION THAT A SENTENCE OF
INCARCERATION OR CONFINEMENT IS UNCONSTITUTIONAL**

Defendant Austin (“Jack”) DeCoster respectfully requests that this Court rule that a sentence of incarceration, including intermittent, community, or home confinement, or other restriction on liberty other than probation, would violate Mr. DeCoster’s due process rights under the United States Constitution. Mr. DeCoster relies upon the accompanying memorandum in support of this motion. *See* Defendant Austin (“Jack”) DeCoster’s Motion that a Sentence of Incarceration or Confinement is Unconstitutional (Oct. 6, 2014). Given the constitutional uncertainty of strict liability criminal offenses, the responsible corporate officer doctrine has been carefully applied. In the absence of *mens rea*, the only appropriate sentence in this case is a fine and/or term of probation.

Respectfully submitted,

/s/ Frank R. Volpe _____

Thomas C. Green
Mark D. Hopson
Frank R. Volpe
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
Tel: 202-736-8000
Fax: 202-736-8711
Email: tcgreen@sidley.com
Email: mhopson@sidley.com
Email: fvolpe@sidley.com

Counsel for Defendant Austin DeCoster

Dated: October 6, 2014

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October, 2014, I filed DEFENDANT AUSTIN (“JACK”) DECOSTER’S MOTION THAT A SENTENCE OF INCARCERATION OR CONFINEMENT IS UNCONSTITUTIONAL with the U.S. District Court for the Northern District of Iowa via CM/ECF, which will cause to be served upon:

Peter E. Deegan, Jr.
U.S. Attorney’s Office
Northern District of Iowa
111 7th Avenue S.E.
Box 1
Cedar Rapids, IA 52401
Tel: 319 363 6333
Fax: 363 1990
Email: peter.deegan@usdoj.gov

Stuart J. Dornan
Dornan, Lustgarten & Troia PC LLO
1403 Farnam Street, Suite 232
Omaha, NE 68102
Tel: 402-884-7044
Fax: 402-884-7045
Email: stu@dltlawyers.com

/s/ Frank R. Volpe

Frank R. Volpe